

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA**

<b>David Dormont,</b>	§	
	§	
<b>Plaintiff,</b>	§	
	§	
<b>v.</b>	§	<b>Case Number: 17-cv-638-GKF-FHM</b>
	§	
<b>Heurtey PetroChem, and</b>	§	
<b>Petro-Chem Development Co., Inc.,</b>	§	
	§	
<b>Defendants.</b>	§	

**DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT**

Defendants Heurtey PetroChem and Petro-Chem Development Co., Inc., (“Petro-Chem” or “Defendants”) file their Motion for Summary Judgment as follows:

**I.  
COMPLIANCE WITH LOCAL RULE 56.3**

Pursuant to Local Rule 56.1, each of the matters will be set forth in *Defendants’ Brief in Support of Their Motion for Summary Judgment*.

**II.  
SUMMARY OF GROUNDS FOR MOTION**

This is an employment case. Plaintiff David Dormont (“Plaintiff”) was working for Petro-Chem when the oil and gas industry took an economic downturn, and Petro-Chem was required to reduce its North American workforce by ten percent. Plaintiff was one of the individuals selected for the reduction in force (“RIF”), and he was discharged on March 16, 2016. Plaintiff was given an optional separation agreement which indicated that he waived any claims under the ADEA, OWBPA, or the OADA. Plaintiff was advised to review this agreement with an attorney before making his decision to sign the agreement. Plaintiff ultimately signed and returned the agreement. In return, Plaintiff received a severance package. Despite his

separation agreement, on May 1, 2017, Plaintiff filed the current lawsuit<sup>1</sup> alleging age discrimination in violation of the Age Discrimination Employment Act (“ADEA”) and the Oklahoma Anti-Discrimination Act (“OADA”) in Oklahoma state court. Petro-Chem subsequently removed the case to federal court.

Plaintiff cannot succeed on his age discrimination claims because he cannot establish a *prima facie* case of discrimination. Specifically, Plaintiff cannot prove that he was qualified for the job or that his performance was meeting PetroChem’s expectations. Additionally, Plaintiff cannot establish that plaintiff was replaced by anyone outside his protected class, or that he was treated differently than other expeditors because of his age. Even if Plaintiff were able to establish a *prima facie* case of discrimination, PetroChem has a legitimate, non-discriminatory reason for terminating Plaintiff. Specifically, PetroChem was required to conduct RIF as a result of the downturn in the oil and gas industry. Finally, Plaintiff cannot provide any evidence to establish that PetroChem’s legitimate, non-discrimination reason is pretext for discrimination. Therefore, as demonstrated fully in the Brief, Plaintiff has no proof to support any of his claims.

### **III. REQUEST FOR RELIEF**

WHEREFORE, Defendants Heurtey PetroChem and Petro-Chem Development Co., Inc., respectfully request that the Court grant *Defendants’ Motion for Summary Judgment*, render a judgment dismissing all of Plaintiff’s claims with prejudice, and award such other relief to which Defendants’ are justly entitled.

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<sup>1</sup> On October 30, 2017, Plaintiff filed his Amended Petition in Tulsa County, Oklahoma.

Respectfully submitted,

/s/ Denelda L Richardson

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CHEM DEVELOPMENT CO., INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11<sup>th</sup> day of September, 2018, I caused the foregoing document to be electronically transmitted to the Clerk of court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electric Filing to the following counsel of record in this matter:

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